



Control Number: 24481



Item Number: 835

Addendum StartPage: 0

DOCKET NO. 24481

DESIGNATION OF COMMON
CARRIERS AS ELIGIBLE
TELECOMMUNICATIONS
CARRIERS (ETC) TO RECEIVE
FEDERAL UNIVERSAL FUNDS
PURSUANT TO THE FEDERAL
COMMUNICATIONS COMMISSION'S
FOURTEENTH REPORT AND ORDER
ADOPTING A STATE
CERTIFICATION PROCESS

PUBLIC UTILITY COMMISSION
OF TEXAS

2008 DEC 11 PM 2:22
FILING CLERK

ORDER NO. 24
2008 CERTIFICATION PROCESS,
APPROVAL OF LATE-FILED AFFIDAVITS FOR STATE CERTIFICATION OF
ELIGIBLE ETC STATUS TO RECEIVE FEDERAL UNIVERSAL SERVICE SUPPORT

The Public Utility Commission of Texas (Commission) initiated this proceeding in response to the Federal Communications Commission's (FCC) *Report and Order* adopting a state certification process.¹ The FCC's *Report and Order* requires states to establish an annual certification process for rural and non-rural carriers receiving high-cost funds from the federal universal service fund.

In accordance with Section 254(e) of the Federal Telecommunications Act (FTA),² carriers must use federal universal service support "only for the provision, maintenance, and upgrading of facilities and services for which the support was intended." The FCC concluded that the state should certify that all federal high-cost funds flowing to rural and non-rural carriers within the state are being used in a manner consistent with FTA § 254(e). The Commission is required to file such certification with the FCC and the Universal Service Administrative

¹ *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, FCC 01-157 (rel. May 23, 2001) (*Report and Order*).

² Federal Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (codified in scattered sections of 15 and 47 U.S.C.).

Company (USAC) in order for carriers within the state to receive federal universal service support.³

The presiding officer issued Order No. 20 establishing a procedural schedule for the 2008 certification process. The procedural schedule was amended in Order No. 21⁴ and Order No. 22. Notice was published in the *Texas Register* on August 15, 2008. Ninety (90) carriers have filed affidavits with the Commission as identified on the attached list of carriers. On September 9, 2008, the Commission Staff (Staff) filed its recommendation and summary of affidavits in response to Order No. 20. Staff recommended approval of the attached list of companies filing affidavits consistent with the FCC's requirements and recommended submission of this list to the FCC by October 1, 2008, as required by the FCC's *Report and Order*. On September 12, 2008, the presiding officer issued Order No. 23 approving the affidavits of the eighty-nine (90) carriers. Subsequently, Cleartel Telecommunications, Inc. and nii communications, Ltd., late-filed affidavits. On November 12, 2008, Commission Staff filed a recommendation for approval of the late-filed affidavits.

Pursuant to the FCC's May 23, 2001, *Report and Order*, and consistent with Staff's recommendation, Cleartel Telecommunications, Inc. and nii communications, Ltd., whose annual affidavits have been received and who meet the criteria established by FTA § 254(e), are certified by the Commission as eligible to receive federal universal service support.

SIGNED AT AUSTIN, TEXAS on the 11th day of December 2008.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE

Q:\CADM\Docket Management\Telephone\ETP & ETC\24481 ANN CERTIFICATION\24481-24 2008 App.docx

³ As determined for non-rural carriers in *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Ninth Report and Order and Eighteenth Order on Reconsideration, FCC 99-306 (Nov. 2, 1999) (*Ninth Report and Order*).

⁴ Order No. 21, issued August 4, 2008, was inadvertently titled as Order No. 20.